

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JERRY EXON, JR.,	:	
Petitioner,	:	
v.	:	Case No. 3:16-cv-344
WARDEN, North Central	:	JUDGE WALTER H. RICE
Correctional Institution,	:	
Respondent.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE JUDGE'S INITIAL REPORT AND RECOMMENDATIONS (DOC. #2), SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #6), AND SECOND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #9); OVERRULING PETITIONER'S OBJECTIONS THERETO (DOCS. ##4, 7, 10); DISMISSING WITH PREJUDICE PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS (DOC. #1); JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND AGAINST PETITIONER; DENYING CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA PAUPERIS*; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz in his initial Report and Recommendations (Doc. #2), Supplemental Report and Recommendations (Doc. #6), and Second Supplemental Report and Recommendations (Doc. #9), as well as on a thorough *de novo* review of this Court's docket and the applicable law, the Court ADOPTS said judicial filings in their entirety.

Petitioner's Objections (Docs. ##4, 7, and 10) are OVERRULED as meritless for the reasons explained by Magistrate Judge Merz.

The Court DISMISSES WITH PREJUDICE the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. #1).

Judgment shall be entered in favor of Respondent and against Petitioner.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be *objectively* frivolous, Petitioner is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: March 27, 2017



WALTER H. RICE
UNITED STATES DISTRICT JUDGE